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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,064	12/27/2001	James M. Foley	40655.3400	3303
7590	05/25/2005		EXAMINER	
SHELL & WILMER L.L.P. One Arizona Center 400 East Van Buren Phoenix, AZ 85004-2202			SCHUBERT, KEVIN R	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/035,064	FOLEY, JAMES M
	<b>Examiner</b>	<b>Art Unit</b>
	Kevin Schubert	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 December 2001.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) 1-26 are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims 1-26 have been considered.

***Election/Restrictions***

5        Restriction to one of the following inventions is required under 35 U.S.C. 121:

I.        Claims 1-7,14-16, and 19-24 are drawn to a method for a user registering an authentication method in a server, classified in class 713, subclass 185 (*Electrical Computers and Digital Processing Systems: System Access Control Based on User Identification By Cryptography: Using Record or Token*). In this invention, the user registers the authentication method he desires to authenticate his identity when he accesses the server. After registration, the user can access the server by providing the authentication method to the server.

10        II.      Claims 8-12 are drawn to a method for a host determining an authentication method by checking an entity, such as a cookie, on a user's computer, classified in class 713, subclass 183 (*Electrical Computers and Digital Processing Systems: System Access Control Based on User Identification By Cryptography: Solely Password Entry*).

15        III.     Claims 13,17-18, and 25-26 are drawn to a method for a user registering an authentication method in a security server via a web server, classified in class 713, subclass 185 (*Electrical Computers and Digital Processing Systems: System Access Control Based on User Identification By Cryptography: Using Record or Token*). In this invention, the user communicates with a web server and accesses a service through the web server but is registered with a third entity security server or security database.

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The inventions are distinct each from each other because:

25        Inventions I,II, and III are subcombinations.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately

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usable. In the instant case invention II has separate utility because the user is not required to register his authentication method on an outside server. This invention is applicable to a system in which the user can set an entity on his computer indicating a preference and use it to access any server.

Inventions II and III are related as subcombinations disclosed as usable together in a single 5 combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case invention II has separate utility because the user is not required to register his authentication method on an outside server.

Inventions I and III are related as subcombinations discloses as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately 10 usable. In the instant case invention I has separate utility because it can take place in a simple user to server environment and does not require a third entity security server or security database.

Because the inventions are distinct for the reasons given, restriction for examination purposes is proper. A burden is present to the examiner because inventions I and III are classified separately from invention II. Also, a burden is present to the examiner for inventions I and III because they require a 15 separate field of search. Classes which reflect a third party authenticator need to be searched for invention III, including 713/155 (*Electrical Computers and Digital Processing Systems: Multiple Computer Communication Using Cryptography: Central Trusted Authority Provides Computer Authentication*). A complete response to this requirement must include an election of the invention to be examined even if the requirement is traversed.

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### ***Conclusion***

A shortened statutory period for response is set to expire one month (not less than 30 days) from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

25 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

5 Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**